THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.5044 OF 2006

Dated: 14-03-2006

BETWEEN

S. Ramesh Goud,

S/o. S. Shankaraiah,

Occ: Business,

R/o. 2-2-1137/3/C,

Nallakunta, Hyderabad.

...PETITIONER

AND

The Municipal Corporation of Hyderabad,

Rep. by its Commissioner, Hyderabad and

Others.

...RESPONDENTS

ORDER:

Learned counsel for the petitioner submits that originally the father of the petitioner was the tenant in respect of the premises bearing No.3-6-142, Himyathangar, Hyderabad since 1964 and after his death petitioner succeeded the tenancy and is paying rents to the landlord. He further submits that the landlord gave consent to the municipal authorities to demolish the said house for widening the road and therefore, the respondents 1 and 2 are

threatening to demolish the said house without issuing any notice to the petitioner.

No doubt, the petitioner is not entitled for any compensation for the structures or for the land but he being the tenant and in possession of the said premises, is entitled for a notice before dispossessing him or demolishing the said premises. Petitioner being the interested person and in the event of his refusing to give consent for road widening the only course open to the respondents is to give notice and initiate the land acquisition proceedings.

Having regard to the facts and circumstances of the case,
this writ petition is disposed of and the respondents are directed not to demolish or dispossess the petitioner without following due procedure prescribed under law under Section 146 or 147 of the Hyderabad Municipal Corporation Act, 1955.

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V. ESWARAIAH, J

March 14, 2006

SHR